

## REPORT ON BERYL-ENTERPRISE APPROVED BUT UNCERTIFICATED APPLICATIONS

In an effort to more properly administer the approved but uncertificated applications on the Beryl-Enterprise area (which group comprises those applications most critically affected by the current proposed action of the State Engineer in this area) certain steps were taken and a study was made. These steps and the study are included in this report.

This report is an outcome of a proposal given in the State Engineer's letter of July 8, 1957 and the subsequent meeting with the inhabitants of Beryl-Enterprise on October 11, 1957 in Parowan. In brief, it was proposed in the letter that no further requests for extension of time will be granted to applications of the approved but uncertificated status unless the owner of the application consents to a reduction in his priority to the date that the request for extension of time is filed in the State Engineer's Office. By general agreement between the representatives of this office and those individuals from the Beryl-Enterprise region who attended the October 11th meeting, it was concluded that this proposed action should not take effect until December 31, 1959. Similar measures are to be taken in the Milford closed area.

To assist in office procedure and to identify this group of applications as against the mass of similar applications in other areas, all the available applications which were considered as belonging to this group were collected and "tagged" with a front cover sheet similar to the one attached and the application number indicated near the upper righthand corner. Where applications could not be found (a total of five) the properly numbered tag sheets were left in the pocket to be placed on the file when it is returned. (See appendix, page 1).

While the applications were available in one group, data was obtained on the following items: (1) The apparent number of applications involved; (2) An indication of whether or not diversion works had been started; (3) An estimate of the money spent and to be spent in completing the proposed works within this group; (4) The number and distribution in time of the date the 14-year period ends or, where already passed, when proof due date falls; and (5) The present distribution in time of the priorities of the applications.

1. According to the original tabulation of these approved but uncertificated applications, a total of 97 were found; however, in a review of these, and a collecting of others which apparently were overlooked, a revised total of 84 were identified. (See Table 1, attached). This new total of 84 excludes eight applications which have already been certificated, seven more which certificates are made but not yet issued, one (16853) unapproved application; one domestic (27232) for 3 cfs. issued to Newcastle, and one which had been lapsed through lack of diligence (16912). This new total also excludes all the change applications issued on the existing applications. There may also be some bona-fide applications to appropriate and/or segregate which should be added later. The figure of 84 applications includes five applications not given on the original list. Also it includes five applications whose file was not available but were on the original list.

This new total would indicate that it is necessary to revise upward the estimate of present rate of consumption of water and revise downward the estimate of increase potential rate of consumption of water.

2. Of the total 87 applications, there were only eight which indicated that diversion works had not yet been started. These eight include two older applications - 12570 and 12570-a which will be re-examined. It may be they can be lapsed or request for extension of time rejected for lack of diligence, as in 16912 mentioned above. The remaining six are the Zuckerman applications, which have been held "in escrow" by this office, (16417, 16419 through 16423). It is hoped that the present trend of water levels in the area and current farm prices may encourage him to forget the drilling of his wells. Perhaps in a hearing with him at the time the 14-year period rolls around (August 4, 1959) he may be persuaded to drop the applications altogether - this is speculation, of course.

The remaining 79 applications, in which an indication was given that diversion works had been started, shows evidence that a certain degree of diligence has been exercised by the owners as a whole. This may signify that perhaps an even greater weight should be placed on present water-level trends as an indication of long-term conditions, rather than awaiting future indications.

3. In estimates included on requests for extension of time, a total of \$742,865.00 has been or will be spent in the area by owners of this group of applications before the projects are completed. (This total excludes the five applications unavailable: the six Zuckerman applications wherein no requests have been submitted; two newly approved applications upon which extensions of time have not yet been submitted; and ten applications where requests for extension of time, in whole or in part, did not include cost data). Of this total \$506,306.00 (68.2%) has already been spent, while \$236,235.00 (31.8%) will be the cost of completing the projects, as estimated by the owners upon their latest requests for extension of time.

These are significant sums of money, even with incomplete data. It seems unlikely that nearly a quarter of a million dollars will be made available to the agriculturists of this region during the period between now and December 31, 1959. Are we asking them to do it?

4. Over one-half of these 84 applications will have passed the 14-year period by December 31, 1959. A total of 39 will reach it for the first time (this includes five segregation applications which have mistakenly been allowed to have time collected on them separately from the mother application - this to be rectified) and six older applications which have or shall have proof-due date fall before December 31, 1959. The balance of 39 are too new to reach the 14-year period.

It would seem advisable to encourage the owners whose applications will have the 14-year period by 1960, to make proof on what they have - this during the hearings.

In tabulating the dates when the 14-year period ends - or if passed, when

proof due date falls - there are five or six groupings of these applications from now till December 31, 1959, which could make an easier handling of them (See Table). One grouping has passed; another comes up in December (the date it is estimated most of the segregation applications can have their requests in); a third group falls in April, May and June of 1958; a few come in through August and September, but a larger mass comes in November and December of 1958 and abruptly falls off for two months; during March and April of 1959 a few come in, then in July, August and September the largest group of all falls due (including Zuckerman's six); then the balance of the year is free.

5. As a matter of interest, the present priorities of these applications were tabulated. Since an analysis of them would be of little value until conditions warranted a cut-back in water use, their tabulations is given on table 3 for brief study. Some significant groupings occur which, if carried to the date when cut-back of water use is set according to priority, could provide convenient break-off points.

TABLE I

REVISED TABLE OF APPROVED APPLICATIONS IN REHYL-ENTERPRISE AREA

Application Number	Present Priority	Latest Date of Proof Due	End of 14-yr. period	Well Drilled	Diversion Works Past Cost	Future Cost
12085	January 17, 1957	May 24, 1958	May 24, 1958	Yes	\$3,650.00	\$5,000.00
12085-a	May 7, 1952	April 5, 1958	Changed to: May 24, 1958	Yes	11,000.00	10,000.00
12510	July 31, 1937	July 22, 1957	July 31, 1951	No	3,000.00	2,000.00
12510-a	September 7, 1955	July 22, 1957	Changed to: July 31, 1951	No	3,000.00	2,000.00
12677	Certificate No. 4643	Issued November 24, 1952				
12859	March 28, 1939	June 27, 1956	June 27, 1956	Yes	21,200.00	25,000.00
13996	January 2, 1941	July 7, 1957	July 7, 1955	Yes	8,000.00	3,000.00
14024-a	January 2, 1941	January 15, 1958	Changed to: July 7, 1955	Yes	1,500.00	3,500.00
14031	Certificate No. 5302	Issued March 11, 1957				
14167	March 25, 1941	October 30, 1957	October 30, 1955	Yes	4,000.00	1,500.00
14167-a	March 25, 1941	November 15, 1957	Changed to: October 30, 1955	Yes	8,000.00	5,000.00
14471	Time granted to Oct. 25, 1957. Attempting to make proof. Certificate No. 5403 to be issued.					
14471-a	Proof submitted. Certificate No. 5415 to be issued.					
14523	February 25, 1940	January 30, 1958	January 30, 1956	Yes	7,800.00	800.00
14642-a	February 11, 1942	July 1, 1958	Changed to: February 11, 1942	Yes	15,000.00	6,000.00
14749	September 11, 1956	September 8, 1958	September 8, 1956	Yes	9,612.00	9,000.00
14829	June 16, 1942	November 15, 1957	August 7, 1958	Yes	8,000.00	600.00

Application Number	Present Priority	Latest Date of Proof Die	End of 14-yr. period	Well Drilled	Diversion Works Past Cost	Future Cost
15021	January 19 1956	March 19 1957	March 19 1957	Yes	\$6 477,000	\$3 000,000
15091	May 17 1943	October 10 1957	March 3 1959	Yes	6 000,000	1 000,000
15313	November 26 1948	May 31 1958	May 31 1958	Yes	4 000,000	200,000
15511	September 16 1943	December 20 1957	December 15 1958	Yes	20 000,000	1 200,000
15549	November 10 1943	June 2 1958	June 2 1958	Yes	6 500,000	2 000,000
15593	November 1 1949	June 2 1958	June 2 1958	Yes	2 000,000	4 000,000
15616	December 17 1943	October 5 1957	September 1 1958	Yes	No estimates	
15633	December 11 1951	December 8 1958	December 8 1958	Yes	(Book Conv)	
15659	January 12 1944	October 4 1957	November 6 1958	Yes	5 000,000	6 000,000
15707	February 28 1944	July 18 1959	July 18 1959	Yes	2 800,000	1 000,000
15770	April 12 1944	December 5 1957	November 6 1958	Yes	8 000,000	1 000,000
15786	April 19 1944	November 4 1958	November 4 1958	Yes	No estimates	
15787	April 19 1944	November 4 1958	November 4 1958	Yes	6 774,000	245,000
15828	January 9 1951	December 8 1958	December 8 1958	Yes	6 000,000	5 000,000
15833	May 16 1944	April 3 1959	April 3 1959	Yes	6 000,000	1 000,000
15877	June 2 1944	November 20 1958	November 20 1958	Yes	7 000,000	2 800,000
15878	January 7 1952	December 10 1957	November 20 1958	Yes	4 500,000	240,000
15905-a	Certificate No. 5076 issued May 28 1957					
15947	November 20 1944	December 10 1957	January 7 1963	Yes	7 500,000	2 000,000
15980	September 8 1944	January 25 1958	April 4 1959	Yes	15 000,000	6 000,000

Application Number	Present Priority	Date of Proof Due	Latest	End of 14-yr. period	Well Drilled	Diversion Works Past Cost	Future Cost
15987	September 8, 1944	July 25, 1958	April 4, 1959	April 4, 1959	Yes	(Book copy)	
16018	June 12, 1957	August 20, 1959	August 20, 1959	August 20, 1959	Yes	16,018.00	\$2,600.00
16153	Certificate No. 5316 issued August 6, 1957						
16183	February 5, 1952 Received for Proof 1956						
16183-a	Proof submitted October 16, 1957						
16205	November 14, 1944	October 5, 1957	August 2, 1963	August 2, 1963	Yes	2,950.00	4,000.00
16236	December 19, 1944	February 20, 1958	September 6, 1959	September 6, 1959	Yes	7,000.00	1,500.00
16236-a	December 19, 1944	June 30, 1959	September 6, 1959	September 6, 1959	Yes	(no data - newly approved)	
16244	December 22, 1944	November 15, 1957	August 25, 1959	August 25, 1959	Yes	6,326.00	877.00
16395	March 7, 1952	February 20, 1958	August 29, 1959	August 29, 1959	Yes	(no estimate)	3,500.00
16398	March 7, 1952	February 20, 1958	August 25, 1959	August 25, 1959	Yes	(no estimate)	2,500.00
16417	March 1, 1945		August 4, 1959	August 4, 1959	No	(no estimates)	
16419	March 1, 1945		August 4, 1959	August 4, 1959	No	(no estimates)	
16420	March 1, 1945		August 4, 1959	August 4, 1959	No	(no estimates)	
16421	March 1, 1945		August 4, 1959	August 4, 1959	No	(no estimates)	
16422	March 1, 1945		August 4, 1959	August 4, 1959	No	(no estimates)	
16423	March 1, 1945		August 4, 1959	August 4, 1959	No	(no estimates)	
16425	March 1, 1945	December 31, 1957	March 1, 1959	March 1, 1959	Yes	3,500.00	4,000.00
16458	March 12, 1945	December 1, 1958	August 14, 1959	August 14, 1959	Yes	(book copy)	
16524	April 12, 1945	November 10, 1958	November 10, 1962	November 10, 1962	Yes	6,000.00	2,000.00

Zuckerman

Application Number	Present Priority	Date of Proof Due	Latest	End of 14-yr. period	Well Drilled	Past Cost	Diversion Works
16525	April 12, 1945	October 30, 1957	October 26, 1967	Yes	(no estimate)	\$0.000.00	Future Cost
16557	April 26, 1945	November 15, 1957	November 23, 1962	Yes	\$8,000.00	2,000.00	
16551-e	November 15, 1956	November 5, 1958	November 23, 1962	Yes	(no estimate)		
16623	October 16, 1956	October 15, 1957	August 20, 1962	Yes	5,100.00	200.00	
16662	June 20, 1945	November 30, 1957	December 20, 1962	Yes	9,000.00	5,000.00	
16662-a	June 20, 1945	November 30, 1957	December 20, 1962	Yes	(no data-recently approved)		
16662-b	June 20, 1945	November 30, 1957	December 20, 1962	Yes	1,700.00	800.00	
16676	Proof submitted	September, 1956	- Certificate No. 5253				
16699	December 27, 1956	April 8, 1958	January 27, 1961	Yes	3,000.00	2,000.00	
16700	Proof submitted	September 16, 1957	No Certificate No.				
16701	Proof submitted	September 16, 1957	No Certificate No.				
16703	July 3, 1945	February 20, 1958	March 28, 1963	Yes	8,220.00	600.00	
16833	August 17, 1945	December 20, 1958	March 19, 1961	Yes	26,000.00	18,000.00	
16852	August 27, 1945	September 25, 1957	May 5, 1963	Yes	6,000.00	5,000.00	
16853	August 27, 1945	Never approved					
16854	August 27, 1945	October 25, 1958	October 10, 1963	Yes	8,000.00	4,000.00	
16850	August 27, 1945	October 25, 1958	October 10, 1963	Yes	(Book copy)		
16857	August 27, 1945	September 25, 1958	May 5, 1963	Yes	(no estimate)	3,000.00	
16860	August 27, 1945	September 30, 1955	May 27, 1963	Yes	(Book copy)		

Application Number	Present Priority	Date of Proof Due	Latest	End of 14-yr. period: Well Drilled	Diversification Works	
					Past Cost	Future Cost
16912	Lapsed - lack of diligence					
16930	September 19, 1945	December 26, 1957	January 20, 1963	Yes	\$8,000.00	\$1,500.00
16931	September 19, 1945	December 15, 1957	February 3, 1963	Yes	8,500.00	1,000.00
16934	Certificate No. 5130 issued June 20, 1956,					
17011	October 19, 1945	October 30, 1957	October 27, 1963	Yes	19,100.00	4,000.00
17071	September 15, 1952	September 10, 1958	April 29, 1963	Yes	2,000.00	750.00
17072	November 23, 1945	November 20, 1957	December 14, 1962	Yes	1,900.00	2,400.00
17073-a	Certificate No. 5250 issued January 29, 1957.					
17080	November 15, 1956	November 5, 1958	September 20, 1962	Yes	5,300.00	2,000.00
17121	December 13, 1945	November 30, 1957	March 26, 1961	Yes	15,000.00	8,000.00
17123	December 13, 1945	September 10, 1957	April 28, 1961	Yes	36,000.00	18,000.00
17133	December 18, 1945	September 5, 1958	September 18, 1960	Yes	4,980.00	350.00
17162	December 22, 1956	October 30, 1958	August 27, 1962	Yes	17,500.00	13,000.00
17163	December 22, 1956	October 30, 1958	August 27, 1962	Yes	(part of above)	
17269	February 13, 1946	November 5, 1957	January 9, 1961	Yes	8,820.00	1,500.00
17283	February 16, 1946	January 5, 1959	February 28, 1963	Yes	15,000.00	2,000.00
17286	February 18, 1946	September 5, 1957	September 18, 1960	Yes	20,000.00	250.00
17332	March 14, 1946	October 20, 1957	August 27, 1962	Yes	2,300.00	6,000.00
17349	March 7, 1946	October 5, 1957	(Stock watering ?)			
17350	March 21, 1946	November 15, 1957	November 23, 1962	Yes	(no estimate)	
17350-a	December 27, 1950	November 15, 1957	November 23, 1962	Yes	(no estimate)	

Application Number	Present Priority	Date of Proof Due	Latest	End of 14-yr. period	Well Drilled	Diversion Works	
						Past Cost	Future Cost
17436	March 27, 1946	November 10, 1957	December 16, 1963	Yes	\$3,000.00	\$3,000.00	
17507	January 2, 1947	September 5, 1958	September 18, 1960	Yes	8,000.00	2,400.00	
22640	Certificate No. 5268 issued March 18, 1957 <i>well</i>						
23214	Certificate No. 5295 issued June 10, 1957 <i>well</i>						
27232	January 25, 1959 Approved Nov. 29, 1956 Yes <i>well</i> (Newcastle)						

TABLE II  
 TABULATION OF END OF 12-YR. PERIOD  
 IF PASSED. DATE OF PROOF DUE

Date	Number	Date	Number
1957		1958	
June		October	
July	2	November	7
August		December	3
September		1959	
October	1	January	
November		February	
December	4*	March	2
1958		April	2
January	1	May	
February		June	
March		July	1
April	1	August	11
May	2 1*	September	2
June	2	October	
July		November	
August	1	December	
September	2		

\* Likely date to be set on segregation applications.

TABLE III

## TABULATION OF PRIORITY

Date	Number	Date	Number
1935		1946	8
1936		1947	1
1937	1	1948	1
1938		1949	1
1939	1	1950	2
1940		1951	3
1941	4	1952	6
1942	2	1953	
1943	4	1954	
1944	14	1955	
1945	29	1956	6
		1957	1